

TO: Mayor and City Council Members

FROM: Rob Hunt, City Manager

SUBJECT: October 20, 2020 Agenda Items

DATE: October 15, 2020

7:00 p.m.

I. CALL TO ORDER REGULAR SESSION

II. PLEDGE OF ALLEGIANCE AND INVOCATION

III. CITIZEN COMMENTS

This is the time for citizens to comment on subject matters, not on the agenda within the jurisdiction of the Tulare City Council. The Council Members ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome. The Council cannot legally discuss or take official action on citizen request items that are introduced tonight.

This is also the time for citizens to comment on items listed under the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to general business/city manager items or public hearing items will be heard at the time the item is discussed or at the time the Public Hearing is opened for comment.

*In fairness to all who wish to speak, each speaker will be allowed **three minutes**, with a maximum time of 15 minutes per item, unless otherwise extended by Council. Please begin your comments by stating and spelling your name and providing your city of residence.*

IV. COMMUNICATIONS

*Communications are to be submitted to the City Manager's Office 10 days prior to a Council Meeting to be considered for this section of the Agenda. No action will be taken on matters listed under communications; however, the Council may direct staff to schedule issues raised during communications for a future agenda. Citizen comments will be limited to **three minutes**, per topic, unless otherwise extended by Council.*

V. CONSENT CALENDAR

All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

- (1) **Authorization to read ordinances by title only.**
- (2) **Approve minutes of October 6, 2020 special/regular meeting. [Submitted by: R. Yoder]** The minutes of October 6, 2020 special/regular meeting are submitted for your approval. **Staff recommends Council approve as presented.**
- (3) **Award and authorize the City Manager to sign a contract with Don Berry Construction, Inc. of Selma, CA in an amount not to exceed \$482,618.00 related to City Project EN0071 – Prosperity & Blackstone Improvements; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% of the contract amount. [Submitted by: N. Bartsch]** Capital Improvement Project EN0071 is a Traffic Safety project at the Prosperity Avenue and Blackstone Street intersection. This project includes ADA Concrete work, signal upgrades and median improvements to expand the westbound Prosperity left turn lane to southbound Blackstone Street to allow for additional queuing and enhanced traffic safety, and bridge deck resurfacing/overlay. This project is included in the approved 2019-2024 Capital Program Budget.

On October 1, 2020, five (5) bids were opened for the subject contract. The Engineer's Estimate for this project was \$499,850. The bids ranged in cost from \$397,893.75 to \$613,523.19. The bids were evaluated to determine if they were responsive to the requirements and instructions contained in the bid documents. On October 3, 2020, the City received a request from the apparent low-bidder, Romanazzi General Engineering, to withdraw their bid due to an error in their bid. After further review of their submitted bid proposal, it was also determined that Romanazzi also failed to submit all of the necessary forms included in the contract documents. Consequently, their bid was deemed non-responsive. Additionally, as is typical on City Projects, the Notice Inviting Bids required that Bidders must be registered on the plan holder's list for their bid to be considered responsive. Unfortunately, though it did not impact the determination of the next lowest bidder, one bidder, Valley Construction, failed to do so. Consequently their bid was also determined to be non-responsive. Ultimately, Don Berry Construction of Selma, CA submitted the lowest responsive and responsible bid in the amount of \$482,618.00; less than the Engineer's estimate. Don Berry Construction, Inc. possesses a current and active Class "A" General Engineering Contractor's license issued by the State of California, and has submitted a list of licensed and experienced subcontractors who will be performing portions of the work. Bid opening results are attached. **Staff recommends Council award and authorize the City Manager to sign a contract with Don Berry Construction, Inc. of Selma, CA in an amount not to exceed \$482,618.00 related to City Project EN0071 – Prosperity & Blackstone Improvements; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% of the contract amount, as presented.**

- (4) **Authorize the City Manager to complete and execute the documents necessary to accept the dedication of property located as a portion of (APN: 177-210-017), (APN: 177-210-018), & (APN: 177-210-056) for the use of public right-of-way for Project EN0085 – Tract 65 & 372 Improvements project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: N. Bartsch]** Capital Improvement Project EN0085 addresses pavement, utility infrastructure, and ADA sidewalk improvements on Kern Avenue between Aronian Street and Silva Street, Aronian Street between Tulare Avenue and Kern Avenue, Moraine Street between Sunset Avenue and Kern Avenue, Latimer Street between Tulare Avenue and Kern Avenue, Silva Street between Tulare Avenue and Kern Avenue, and Sunset Avenue between Aronian Street and Moraine Street. This area was a former County island that was annexed into the City in 2006. The project will bring sewer to the area, and will replace existing substandard water and storm drain infrastructure. It will also make improvements to an existing storm drain basin, bringing the area into compliance with the City's MS4 permit. This project is included in the approved 2019-2024 Capital Program budget.

At the June 18, 2019 City Council Meeting, a contract for field surveying and mapping, utility coordination, geotechnical analysis, engineering design, and right-of-way acquisition (appraisals, negotiation, contracts and documentation) was awarded to Peters Engineering Group. Their scope of work included the facilitation and acquisition of the right of way needed for the ultimate infrastructure improvements within the project limits.

Several locations did not have adequate right of way to facilitate the installation of ADA compliant curb ramps. At the time these parcels were originally developed, this area was in the County and did not account for the City's current street/sidewalk configuration. The property owners of these parcels have graciously worked with the City and have agreed to dedicate the needed right of way to allow for the installation of these improvements. **Staff recommends Council authorize the City Manager to complete and execute the documents necessary to accept the dedication of property located as a portion of (APN: 177-210-017), (APN: 177-210-018), & (APN: 177-210-056) for the use of public right-of-way for Project EN0085 – Tract 65 & 372 Improvements project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager, as presented.**

- (5) **Authorize the transfer \$75,000 from the Fire Department's Vehicle Reserve (604-273-003) to the Vehicle Replacement Fund 2021 Budget and authorize staff to circulate a Request for Bid for a full size 4-wheel drive pick-up truck for the Tulare Fire Department; (As of September 30, 2020 Fire's vehicle reserve balance is \$143,778). [Submitted by: M. Correa]** It is recommended

the City Council approve a transfer of \$75,000 from the Fire Department's Vehicle Reserve Fund, 604-273-003, to the Vehicle Replacement Fund 2021 budget, which will fund the purchase of a vehicle to replace unit #146 (2007 Ford Expedition). Unit #146 was inspected by Fleet Maintenance, who has concluded that it has reached the end of its useful life/has damage not economically feasible to repair and is recommended to be removed from service. Although this replacement was not included in the Fire Department's 2021 budget approval, the Department maintains ample funds in its Vehicle Reserve budget (\$143,778) to accommodate the cost of the new vehicle, which will be less than \$75,000.

If staff is authorized to move forward, the General Services Division will follow the City's purchasing Policies and solicit bids for the purchase of the vehicle. If sufficient bids aren't received, staff will pursue acquisition of the vehicle through the National Joint Powers Alliance (NJPA), which is a national public service agency that provides for cooperative purchasing for government agencies. The new vehicle will be assigned to a Division Chief. The Division Chief's current vehicle will be re-assigned to the City's Fire Marshall. **Staff recommends Council authorize the transfer \$75,000 from the Fire Department's Vehicle Reserve (604-273-003) to the Vehicle Replacement Fund 2021 Budget and authorize staff to circulate a Request for Bid for a full size 4-wheel drive pick-up truck for the Tulare Fire Department; (As of September 30, 2020 Fire's vehicle reserve balance is \$143,778), as presented.**

- (6) **Accept as complete the contract with MAC General Engineering of Porterville, CA for work on Project EN0061, an ADA concrete curb ramp improvement project at the Intersection of Cypress Avenue and Laspina Street. Authorize the City Engineer to sign the Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office. [Submitted by: N. Bartsch]** Capital Improvement Project EN0061 addressed Americans with Disabilities Act (ADA) concrete curb ramp improvements at the intersection of Cypress Avenue and Laspina Street. This project addressed existing non-compliant conditions, but also provided for a new crosswalk across Laspina Street to Cypress School. Through an annual partnership project with the City School District, the City has made necessary repairs to crosswalk locations to bring them up to current standards and the School District has paid for added pedestrian safety equipment to be installed at these locations. The School District also typically provides for a crossing guard at these locations during school hours.

On July 16, 2020, the City received two formal bids to complete the work on the subject project. The City awarded a contract to MAC General Engineering of Porterville, CA in the amount of \$34,560.

The project was funded by Measure R Local funds.

A summary of contract costs is as follows:

Approved Contract Amount:	\$ 34,560.00	
Bid Item Quantity Adjustments	\$ 0.00	(0.00%)
Contract Change Orders:	\$ 0.00	(0.00%)
Total Construction Contract Cost:	\$ 34,560.00	

Staff recommends Council accept as complete the contract with MAC General Engineering of Porterville, CA for work on Project EN0061, an ADA concrete curb ramp improvement project at the intersection of Cypress Avenue and Laspina Street. Authorize the City Engineer to sign the Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office.

VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

VII. MAYOR'S REPORT

VIII. GENERAL BUSINESS

Comments related to General Business Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Council.

(1) Engineering:

- a. In connection with the June 16, 2020 approved request by Del Lago Place LLC for a time extension for completion of public improvements for the Tesori subdivision, receive a staff report regarding the completion status of public improvements for the Tesori subdivision and provide staff direction regarding the expiration of time extensions granted to the Developer to complete same. [Submitted by: M. Miller; J. McDonnell & M. Jeffcoach]**

(2) City Manager:

- a. Update, discussion and receive direction, if necessary, regarding COVID-19, etc. [Submitted by: R. Hunt]**

IX. COUNCIL/STAFF UPDATES, REPORTS OR ITEMS OF INTEREST – GC 54954.2(3)

X. ADJOURN REGULAR MEETING

**ACTION MINUTES OF TULARE
CITY COUNCIL, CITY OF TULARE**

October 6, 2020

A closed session of the City Council, City of Tulare was held on Tuesday, October 6, 2020, at 6:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.

COUNCIL PRESENT: Jose Sigala, Dennis A. Mederos, Greg Nunley

COUNCIL PRESENT VIA ZOOM/TELECONFERENCE: Terry Sayre, Greg Nunley^(c/s a)

COUNCIL ABSENT: Greg Nunley^(c/s b); Carlton Jones

STAFF PRESENT: Rob Hunt, Josh McDonnell, Mario Zamora, Mandy Jeffcoach (Special Counsel), Wes Hensley, Janice Avila, Darlene Thompson, Michael Miller, Clay Roberts, Roxanne Yoder

I. CALL TO ORDER CLOSED SESSION

Mayor Sigala called the closed session to order at 6:00 p.m.

II. CITIZEN COMMENTS - Comments from the public are limited to items listed on the agenda (GC 54954.3a). Speakers will be allowed three minutes. Please begin your comments by stating and spelling your name and providing your city of residence.

There were no public comments.

III. ADJOURN TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION(S):

Mayor Sigala adjourned to closed session for items as noted by Assistant City Attorney Mario Zamora at 6:02 p.m.

- (a) 54957.6b Conference with Labor Negotiators
Represented/Unrepresented Employee(s): Fire Unions
Negotiators: Rob Hunt, Janice Avila, Darlene Thompson, Mario Zamora
[Submitted by: J. Avila; M. Zamora]
- (b) 54956.9(d)(2) & (e)(2) Conference with Legal Counsel – Anticipated Litigation
One (1) item of anticipated litigation [Submitted by: M. Jeffcoach]
[This involves the Agreement and Undertaking between the City and Del Lago Place LLC, the status of the improvement and a potential claim on bond.]

IV. RECONVENE CLOSED SESSION

Mayor Sigala reconvened from closed session at 7:18 p.m.

V. CLOSED SESSION REPORT (if any)

City Attorney Mario Zamora advised there was no reportable action.

VI. ADJOURN CLOSED SESSION

Mayor Sigala adjourned closed session at 7:18 p.m.

A regular session of the City Council, City of Tulare was held on Tuesday, October 6, 2020, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.

COUNCIL PRESENT: Jose Sigala, Dennis A. Mederos

COUNCIL PRESENT VIA ZOOM/TELECONFERENCE: Terry Sayre, Carlton Jones, Greg Nunley^(7:29 p.m.)

STAFF PRESENT: Rob Hunt, Josh McDonnell, Mario Zamora, Mario Anaya, Michael Miller, Trisha Whitfield, Craig Miller, Luis Nevarez, Janice Avila, Wes Hensley, Nick Bartsch, Raymond Guerrero, Clay Roberts, Roxanne Yoder

VII. CALL TO ORDER REGULAR SESSION

Mayor Sigala called the regular session to order at 7:18 p.m.

VIII. PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Sigala led the Pledge of Allegiance and held a moment of silence.

IX. CITIZEN COMMENTS

Mayor Sigala requested those who wish to speak on matters not on the agenda within the jurisdiction of the Council, or to address or request a matter be pulled from the consent calendar to do so at this time. He further stated comments related to general business matters would be heard at the time that matter is addressed on the agenda.

It was moved by Vice Mayor Mederos, seconded by Council Member Jones and unanimously carried to reopen public comments.

Eric Medina addressed the Council regarding traffic concerns at Bardsley and Durango.

Donnette Silva-Carter addressed the Council regarding the number of Covid-19 mini grants and related updates. Ms. Silva-Carter also commented on General Business item 2a thanking the City and Caltrans for their efforts in resolving issues surrounding this project.

Euler Torres of the Roxx Agency addressed the Council regarding the award criteria for the Covid-19 mini grants. Lastly, he called for the removal of the City Board Member who is the topic of recent legal issues.

X. COMMUNICATIONS

There were no items for this section of the agenda.

XI. CONSENT CALENDAR:

It was moved by Vice Mayor Mederos, seconded by Council Member Sayre, and unanimously carried that the items on the Consent Calendar be approved as presented with the exception of items 5 and 8.

- (1) Authorization to read ordinances by title only.**
- (2) Approve minutes of September 15, 2020 special/regular meeting.
[Submitted by: R. Yoder]**
- (3) Approve the Parcel Map filed by Cornelius Vander Eyk for the division of land located at the southwest corner of Paige Avenue and Blackstone Street for recordation, and accept all easements and dedications offered to the City. [Submitted by: M. Miller]**
- (4) Receive the monthly investment report for August 2020. [Submitted by: D. Thompson]**
- (5) Authorize the donation of a surplus fire engine to Municipio de Loreto Baja California Sur H. Cuerpo de Bomberos, Baja California Sur, México.
[Submitted by: L. Nevarez] City Manager Rob Hunt pulled the item from the agenda to be continued to an undetermined date.**
- (6) Reject the liability claim filed by Ted Harvell in an amount in excess of \$25,000 for economic and non-economic damages resulting in a vehicle accident in an uncontrolled residential intersection. [Submitted by: J. Avila]**
- (7) Authorize the City Manager to sign a contract with AMS.net, utilizing the Merced County FOCUS contract in the amount of \$57,970.94 subject to minor conforming changes acceptable to the City Manager and City Attorney to provide and install additional security cameras to Tulare Police Department and City Hall. Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$5,797.09). [Submitted by: J. Bowling]**
- (8) Authorize the expenditure of State Department of Motor Vehicle Funds (DMV-Fund 37) in the amount of \$55,125.00 for the purchase of three (3) Automated License Plate Readers (ALPR) as well as associated software, licenses and hardware, including installation of same on existing Tulare**

Police Department patrol vehicles, from Lehr/Vigilant Solutions (Sacramento, CA). [Submitted by: **W. Hensley**] Council Member Jones pulled the item to inquire as to data being shared with immigration. Police Chief Wes Hensley responded to his inquiry advising that information is not shared. Following discussion, it was moved by Vice Mayor Mederos, seconded by Mayor Sigala and carried 4 to 1 (Council Member Jones voting no; Council Member Nunley absent).

XII. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

There were no items for this section of the agenda.

XIII. MAYOR'S REPORT

Mayor Sigala commented on the recent legal issues surrounding a current City Board Member. He further commented on the recent census efforts.

XIV. GENERAL BUSINESS

Comments related to General Business Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Council.

(1) Public Hearing:

- a. Public Hearing to adopt Resolution 2020-46 ordering improvements for Assessment District 2020-01 for the Farrar Estates subdivision located north of Tulare Avenue and west of Morrison Street.** [Submitted by: **M. Miller**] Council Member Nunley recused himself from discussions to property ownership in the area. City Engineer Michael Miller provided a report for the Council's review and consideration. Mayor Sigala opened the public hearing at 7:46 p.m., with no public comment he closed the public hearing at 7:52 p.m. Following discussion, it was moved by Vice Mayor Mederos, seconded by Council Member Jones and carried 4 to 0 (Council Member Nunley recused) to adopt Resolution 2020-46 as presented.

Reopened public comment: Grady Dodson addressed the Council regarding safety issues, speed bumps, and traffic signals in this area.

- b. Public Hearing to adopt Resolution 2020-47 designating "no commercial parking" zones on segments of Prosperity Avenue and West Street, and authorizing the installation of corresponding signage.** [Submitted by: **M. Miller**] City Engineer Michael Miller provided a report for the Council's review and consideration. Mayor Sigala opened the public hearing at 7:58 p.m., with no public comment, he closed the public hearing at 8:07 p.m. Following discussion, it was moved by Mayor Sigala, seconded by Council Member Jones and unanimously carried to adopt Resolution 2020-47 as presented.

(2) Engineering:

- a. **Receive an update and presentation by Caltrans, and consider the adoption of Resolution 2020-48 approving a Resolution of Change to the City of Tulare-State of California Freeway Agreement for State Route 99 from 0.5 miles south of Rankin Road to Cartmill Avenue, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: N. Bartsch]** Senior Project Manager Nick Bartsch provided a brief report and introduction of the item for Council's review and consideration. Curt Hatton, Caltrans Project Manager provided a PowerPoint slide presentation updating the Council on the proposed project and the collaborative efforts related to its resolve. Following discussion and receiving no public comments, it was moved by Vice Mayor Mederos, seconded by Council Member Sayre and unanimously carried to adopt Resolution 2020-48, as presented.

(3) Finance:

- a. **Adopt Resolution 2020-49 authorizing the issuance of City of Tulare Sewer Revenue Refunding Bonds, Series 2020 in an amount not to exceed \$45 million in order to refinance a) the City's outstanding 2012 Sewer Revenue Refunding Notes (the "Series 2012 Notes"), b) a portion of the outstanding Sewer Revenue Refunding Bonds, Series 2015 (the "Series 2015 Bonds"), and c) all or a portion of the outstanding Sewer Revenue Refunding Bonds, Series 2013 (the "Series 2013 Bonds") in order to reduce debt service and achieve savings; and approve the form of various bond documents, authorizing certain staff members to execute final versions of documents, direct certain officers of the City to take actions for the sale and delivery of the bonds, approve key members of the financing team, and authorize the sale of the bonds subject to certain provisions. [Submitted by: D. Thompson]** Finance Director Darlene Thompson provided a report for the Council's review and consideration. Following comments and receiving no public comments, it was moved by Vice Mayor Mederos, seconded by Mayor Sigala and carried 4 to 0 (Council Member Nunley absent) to adopt Resolution 2020-49 as presented.

(4) Police:

- a. **Receive a presentation regarding the current process and procedures for Code Enforcement complaints, in particular as they relate to vehicle parking in residential zoning districts in the City and receive direction, if any, related thereto. [Submitted by: R. Guerrero]** Police Chief Wes Hensley introduced Sergeant Ray Guerrero and Code Enforcement Officer James Ussery who provided a PowerPoint presentation for the Council's review and consideration. Questions and comments posed by Council were addressed by staff. Informational item only.

(5) City Manager:

- a. Update, discussion and receive direction, if necessary, regarding COVID-19, etc. [Submitted by: R. Hunt]** City Manager Rob Hunt provided an update for the Council's review and consideration. Comments by Council.

XV. COUNCIL/STAFF UPDATES, REPORTS OR ITEMS OF INTEREST – GC 54954.2(3)

Mayor Sigala requested that an item be agendized for the consideration of a letter to legislators and Cal Trans District 6 officials regarding the safety issues resulting from the homeless encampments along the 99, specifically, near The Habit. It was the consensus of the Council the item is to be agendized.

Mayor Sigala also requested an item be agendized with regard to the removal of a Board of Public Utilities Member. Comments related thereto were made by Vice Mayor Mederos and Council Member Jones. By consensus of the Council the item is to be agendized.

Council Member Jones requested IT staff to look into a better phone system for the Council meetings. City Manager Rob Hunt advised he would discuss with IT staff.

XVI. ADJOURN REGULAR MEETING

Mayor Sigala adjourned the regular meeting at 9:43 p.m.

President of the Council and Ex-Officio
Mayor of the City of Tulare

ATTEST:

Chief Deputy City Clerk and Clerk of the
Council of the City of Tulare

AGENDA ITEM: *Consent #3*

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: Engineering Services / Project Management

For Council Meeting of: October 20, 2020

Documents Attached: ☐ Ordinance ☐ Resolution ☐ Staff Report ☒ Other ☐ None

AGENDA ITEM:

Award and authorize the City Manager to sign a contract with Don Berry Construction, Inc. of Selma, CA in an amount not to exceed \$482,618.00 related to City Project EN0071 – Prosperity & Blackstone Improvements; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% of the contract amount.

IS PUBLIC HEARING REQUIRED: ☐ Yes ☒ No

BACKGROUND/EXPLANATION:

Capital Improvement Project EN0071 is a Traffic Safety project at the Prosperity Avenue and Blackstone Street intersection. This project includes ADA Concrete work, signal upgrades and median improvements to expand the westbound Prosperity left turn lane to southbound Blackstone Street to allow for additional queuing and enhanced traffic safety, and bridge deck resurfacing/overlay. This project is included in the approved 2019-2024 Capital Program Budget.

On October 1, 2020, five (5) bids were opened for the subject contract. The Engineer's Estimate for this project was \$499,850. The bids ranged in cost from \$397,893.75 to \$613,523.19. The bids were evaluated to determine if they were responsive to the requirements and instructions contained in the bid documents. On October 3, 2020, the City received a request from the apparent low-bidder, Romanazzi General Engineering, to withdraw their bid due to an error in their bid. After further review of their submitted bid proposal, it was also determined that Romanazzi also failed to submit all of the necessary forms included in the contract documents. Consequently, their bid was deemed non-responsive. Additionally, as is typical on City Projects, the Notice Inviting Bids required that Bidders must be registered on the plan holder's list for their bid to be considered responsive. Unfortunately, though it did not impact the determination of the next lowest bidder, one bidder, Cal Valley Construction, failed to do so. Consequently, their bid was also determined to be non-responsive. Ultimately, Don Berry Construction of Selma, CA submitted the lowest responsive and responsible bid in the amount of \$482,618.00; less than the Engineer's estimate. Don Berry Construction, Inc. possesses a current and active Class "A" General Engineering Contractor's license issued by the State of California, and has submitted a list of licensed and experienced subcontractors who will be performing portions of the work. Bid opening results are attached.

STAFF RECOMMENDATION:

Award and authorize the City Manager to sign a contract with Don Berry Construction of Selma, CA in an amount not to exceed \$482,618.00 related to City Project EN0071 – Prosperity & Blackstone Improvements; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% of the contract amount.

CITY ATTORNEY REVIEW/COMMENTS: ☐ Yes ☒ N/A

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: ☐ Yes ☒ No ☐ N/A

FUNDING SOURCE/ACCOUNT NUMBER:

EN0071-050-0601

Submitted by: Nick Bartsch

Title: Senior Project Manager

Date: October 9, 2020

City Manager Approval: RA



BID OPENING

CITY OF TULARE

PROJECT EN0071 - RFB No. 21-720 - Prosperity-Blackstone Improvements
Thursday, October 1, 2020, at 2:00 p.m.
Engineer's Estimate: \$499,850

	NAME OF COMPANY	CITY	BID AMOUNT
1	Romanazzi-General Engineering	Exeter, CA	\$397,893.75
2	Don Berry Construction, Inc.	Selma, CA	\$482,618.00
3	AJ Excavation	Fresno, CA	\$497,766.00
4	Avison Construction	Madera, CA	\$508,332.00
5	Cal Valley Construction	Fresno, CA	\$643,523.19
6			
7			
8			
9			
10			

ATTESTED AND OPENED BY: Roxanne Yoder
CHIEF DEPUTY CITY CLERK

WITNESS: Steve Allen

RECORDED: Darlene Thompson

WITNESS: Nick Bartsch

BIDS ARE SUBJECT TO REVIEW AND VERIFICATION. THE AWARD OF A CONTRACT, IF AWARDED, WILL BE TO THE LOWEST RESPONSIBLE RESPONSIVE BIDDER BASED ON THE BASE BID AMOUNT WHOSE BID COMPLIES WITH ALL THE REQUIREMENTS PRESCRIBED.

TRANSPORTATION PROJECT

PROJECT #EN0071	ACCT# 643-4643-6837
Prosperity Ave. - Blackstone Improvements	
(Capital)	
(Capital)	
District(s): 4	

PROJECT MANAGER: Nick Bartsch

PROJECT DESCRIPTION & PURPOSE: Pavement Management System / Traffic Safety project on Prosperity Ave. at Blackstone Avenue to approximately 395 feet east. Includes ADA Concrete work, signal upgrades and median improvements to expand the westbound Prosperity left turn lane to southbound Blackstone to allow for additional queuing and enhanced traffic safety, and bridge deck resurfacing/overlay.

KEY POINTS: Traffic safety Improvements; Relief from potential liability concerns; Compliance to the American Disabilities Act

PROJECT STATUS: Approved by TMT on 9/23/16; 3/22/19

PROJECTED START DATE: 1/1/2017

PROJECTED END DATE: 6/30/2020

FUTURE M & O: No additional Cost
(Additional Cost & Department Responsibility)

CRITERIA (1-8): Criteria 7: Project addresses regulatory, safety, or environmental requirements that could threaten in whole or in part the City's ability to operate a core program or function at some future time if not replaced or repaired.

	Fiscal Year					Total	Unfunded
	2016/17	2017/18	2018/19	2019/20	2021/22		
Costs Description							
001 -Conceptual	\$0	\$0	\$0	\$0	\$0	\$ -	\$ -
002 - Preliminary Design	\$0	\$0	\$0	\$0	\$0	\$ -	\$ -
003 - Environmental	\$2,500	\$0	\$0	\$0	\$0	\$2,500	\$ -
004 - Final Design	\$37,500	\$0	\$0	\$0	\$0	\$37,500	\$ -
005 - Construct/Impliment	\$0	\$0	\$0	\$720,000	\$0	\$720,000	\$ -
006 - Close Out	\$0	\$0	\$0	\$0	\$0	\$ -	\$ -
Total Costs:	\$40,000	\$0	\$0	\$720,000	\$0	\$760,000	\$ -
Funding Sources							
022 - Gas Tax (HUTA)	\$40,000	\$0	\$0	\$720,000	\$0	\$760,000	\$ -
							\$ -
							\$ -
							\$ -
Total Funding:	\$40,000	\$0	\$0	\$720,000	\$0	\$760,000	\$ -

Updated: 4/23/19

AGENDA ITEM: *Consent 4*

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: Engineering / Project Management

For Council Meeting of: October 20, 2020

Documents Attached: ☐ Ordinance ☐ Resolution ☐ Staff Report ☒ Other ☐ None

AGENDA ITEM:

Authorize the City Manager to complete and execute the documents necessary to accept the dedication of property located as a portion of (APN: 177-210-017), (APN: 177-210-018), & (APN: 177-210-056) for the use of public right-of-way for Project EN0085 – Tract 65 & 372 Improvements project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager.

IS PUBLIC HEARING REQUIRED: ☐ Yes ☒ No

BACKGROUND/EXPLANATION:

Capital Improvement Project EN0085 addresses pavement, utility infrastructure, and ADA sidewalk improvements on Kern Avenue between Aronian Street and Silva Street, Aronian Street between Tulare Avenue and Kern Avenue, Moraine Street between Sunset Avenue and Kern Avenue, Latimer Street between Tulare Avenue and Kern Avenue, Silva Street between Tulare Avenue and Kern Avenue, and Sunset Avenue between Aronian Street and Moraine Street. This area was a former County island that was annexed into the City in 2006. The project will bring sewer to the area, and will replace existing substandard water and storm drain infrastructure. It will also make improvements to an existing storm drain basin, bringing the area into compliance with the City's MS4 permit. This project is included in the approved 2019-2024 Capital Program budget.

At the June 18, 2019 City Council Meeting, a contract for field surveying and mapping, utility coordination, geotechnical analysis, engineering design, and right-of-way acquisition (appraisals, negotiation, contracts and documentation) was awarded to Peters Engineering Group. Their scope of work included the facilitation and acquisition of the right of way needed for the ultimate infrastructure improvements within the project limits.

Several locations did not have adequate right of way to facilitate the installation of ADA compliant curb ramps. At the time these parcels were originally developed, this area was in the County and did not account for the City's current street/sidewalk configuration. The property owners of these parcels have graciously worked with the City and have agreed to dedicate the needed right of way to allow for the installation of these improvements.

STAFF RECOMMENDATION:

Authorize the City Manager to complete and execute the documents necessary to accept the dedication of property located as a portion of APN: 177-210-017, 177-210-018, & 177-210-056 for the use of public right-of-way for Project EN0085 – Tract 65 & 372 Improvements project,

subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager.

CITY ATTORNEY REVIEW/COMMENTS: ☐ Yes ☒ N/A

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: ☐ Yes ☒ No ☐ N/A

FUNDING SOURCE/ACCOUNT NUMBER:

N/A

Submitted by: Nick Bartsch

Title: Senior Project Manager

Date: October 9, 2020

City Manager Approval: RH

Tract 65 & Tract 372 Improvements Project
APN: 177-210-056 (portion of)

Recorded at the Request of and:
When Recorded Return To:

City of Tulare
Attn: Michael Miller
411 E. Kern Avenue
Tulare, CA 93724

The undersigned grantor(s) declare(s):
Documentary transfer tax is \$ None
R&T Code 11922, Conveyance to
Government Agency

Exempt from recording fees pursuant
to Gov't Code § 6103

GRANT DEED

For value received

Patricia Nancy Aharonian, Trustee of the Patricia Nancy Ahronian Revocable Trust

Dated May 4, 2017

GRANT(s) to the Charter CITY OF TULARE,
a California municipal corporation of the State of California

All that real property situate in the unincorporated area of the City of Tulare, State of California,
described as follows:

Legal Description per Exhibit A and Exhibit Plat per Exhibit A
attached hereto and made a part hereof by this reference for Right-of-Way purposes

Dated this 26th day of June, 2020,

GRANTOR

Patricia Nancy Aharonian

By: Patricia Nancy Aharonian

Trustee of the Patricia Nancy Ahronian Revocable Trust Dated May 4, 2017

ACKNOWLEDGMENTS

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF Tulare)

On 6/20, 2020 before me, Melissa Hermann, Notary Public, personally appeared Patricia Nancy Aharonian, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

(seal)



EXHIBIT 'A'

SHEET 1 OF 2

That portion Parcel 2 of Parcel Map No. 1140 according to the map thereof recorded in Book 12 of Parcel Maps at page 41, Tulare County Records lying in the Northeast Quarter of Section 12, Township 20 South, Range 24 East, Mount Diablo Base and Meridian according to the official plat thereof, described as follows:

BEGINNING at the Northeast Corner of said Parcel 2; thence South $89^{\circ}27'42''$ West along the North Line of said Parcel 2, a distance of 25.45 feet to a point of cusp with tangent curve concave to the southwest having a radius of 25.00 feet to which a radial line bears North $0^{\circ}32'18''$ West; thence southeasterly along said 25.00 foot radius curve through a central angle of $91^{\circ}01'43''$ and an arc length of 39.72 feet to a tangent line parallel being the East Line of said Parcel 2; thence North $0^{\circ}29'25''$ East along said tangent East Line, a distance of 25.45 feet to the Point of Beginning.

Containing 140 square feet, more or less



March 23, 2020
Katrina M. Olsen, LS 7058
McPheeters & Associates
1486 Tollhouse Rd, Suite 107
Clovis, CA 93611
(559) 299-9098
www.mcpheeters.com

Job No. 119137

SHEET 2 OF 2

NORTHEAST CORNER PARCEL 2
PM NO. 1140, BOOK 12 PARCEL MAPS
PAGE 41, TULARE COUNTY RECORDS.

03-23-2020
119137 RW2.DWG



Office of the City Clerk

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY, that the interest in real property conveyed by the **Grant Deed** dated June 26, 2020, from **Patricia Nancy Aharonian, Trustee of the Patricia Nancy Ahronian Revocable Trust**, was duly accepted by the City Council of the City of Tulare on **October 20, 2020**, and by the same order of the City Council of the City of Tulare, the City Manager was authorized to execute this Certificate of Acceptance to be recorded with the **Grant Deed**.

CITY OF TULARE

By: _____
Rob A. Hunt, City Manager

ATTEST:

Chief Deputy City Clerk

Tract 65& Tract 372 Improvements Project
APN: 177-210-017 (portion of)

Recorded at the Request of and:
When Recorded Return To:

City of Tulare
Attn: Michael Miller
411 E. Kern Avenue
Tulare, CA 93724

The undersigned grantor(s) declare(s):
Documentary transfer tax is \$ None
R&T Code 11922, Conveyance to
Government Agency

Exempt from recording fees pursuant
to Gov't Code § 6103

GRANT DEED

For value received

Tina Rene Dabbs, and unmarried woman, as her sole and separate property

GRANT(s) to the Charter CITY OF TULARE,
a California municipal corporation of the State of California

All that real property situate in the unincorporated area of the City of Tulare, State of California,
described as follows:

Legal Description per Exhibit A and Exhibit Plat per Exhibit A
attached hereto and made a part hereof by this reference for Right-of-Way purposes

Dated this 7 day of October, 2020,

GRANTOR



By: Tina Rene Dabbs

ACKNOWLEDGMENTS

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF Tulare)

On 10/7, 2020 before me, Melissa Hermann, Notary Public, personally appeared Tina Rene Dabbs, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Melissa Hermann (seal)



EXHIBIT 'A'

SHEET 1 OF 2

That portion Lot 11 of Tract No. 65 according to the map thereof recorded in Volume 19 of Maps at page 92, Tulare County Records lying in the Northeast Quarter of Section 12, Township 20 South, Range 24 East, Mount Diablo Base and Meridian according to the official plat thereof, described as follows:

Commencing at the Northwest Corner of said Lot 11; thence South 0°29'19" West along the West Line of said Lot 11, a distance of 25.00 feet to the Southwest Corner of the 25.00 foot wide strip described in the Grant Deed the State of California recorded September 29, 1954 in Volume 1780 at page 190, Official Records Tulare County and being the TRUE POINT OF BEGINNING; thence continuing South 0°29'19" West along the West Line of said Lot 11, a distance of 7.86 feet to a point of cusp with tangent curve concave to the southeast having a radius of 8.00 feet to which a radial line bears North 89°30'41" West; thence northeasterly along said 8.00 foot radius curve through a central angle of 88°58'24" and an arc length of 12.42 feet to a tangent line being the South Line of the aforementioned 25.00 strip; thence South 89°27'42" West parallel with and 25.00 feet South of the North Line of said Lot 11, a distance of 7.86 feet to the Point of Beginning.

Containing 13 square feet, more or less



March 23, 2020
Katrina M. Olsen, LS 7058
McPheeters & Associates
1486 Tollhouse Rd, Suite 107
Clovis, CA 93611
(559) 299-9098
www.mcpheeters.com

Job No. 119137

EXHIBIT PLAT PER EXHIBIT 'A'

POINT OF COMMENCEMENT
NORTHWEST CORNER LOT 11
TRACT NO. 65
BOOK 19 MAPS PAGE 92
TULARE COUNTY RECORDS

SHEET 2 OF 2

NORTH LINE OF
LOT 11, TRACT NO. 65

SILVA STREET

P.O.B.

SYCAMORE AVENUE

WEST LINE OF
LOT 11, TRACT NO. 65

S0°29'19"W

25.00'

S0°29'19"W

7.86'

S89°27'42"W
7.86'

RADIAL
N0°32'18"W

RADIAL
N89°30'41"W

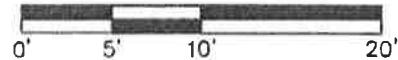
R=8.00'
L=12.42'
Δ=88°58'24"

LOT 11
TRACT NO. 65
VOL 19 MAPS PG 92, T.C.R.

APN 177-210-017



SCALE 1" = 10'



LEGEND

- ① 50' WIDE OFFERED FOR DEDICATION PER TRACT NO. 65 IN VOL 19 MAPS PG 92, T.C.R.
- ② 20' WIDE OFFERED FOR DEDICATION PER TRACT NO. 65 IN VOL 19 MAPS PG 92, T.C.R.
- ③ 25' WIDE HIGHWAY FEE DEED TO STATE OF CALIFORNIA RECORDED 9-29-1954 BOOK 1780, PAGE 190, O.R.T.C. AND RELIQUISHED TO COUNTY OF TULARE RECORDED 4-14-1955 BOOK 1827, PAGE 593, O.R.T.C.



INDICATES AREA TO BE DEEDED IN FEE
CONTAINING 13 SQUARE FEET MORE OR
LESS.



PREPARED BY:
McPHEETERS & ASSOCIATES
1486 TOLLHOUSE ROAD, #107
CLOVIS, CA 93611
(559) 299-9098

03-23-2020
119137 RW2.DWG



Office of the City Clerk

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY, that the interest in real property conveyed by the **Grant Deed** dated October 7, 2020 , from **Tina Rene Dabbs, an unmarried woman, as her sole and separate property**, was duly accepted by the City Council of the City of Tulare on **October 20, 2020**, and by the same order of the City Council of the City of Tulare, the City Manager was authorized to execute this Certificate of Acceptance to be recorded with the **Grant Deed**.

CITY OF TULARE

By: _____
Rob A. Hunt, City Manager

ATTEST:

Chief Deputy City Clerk

Tract 65 & Tract 372 Improvements Project
APN: 177-210-018 (portion of)

Recorded at the Request of and:
When Recorded Return To:

City of Tulare
Attn: Michael Miller
411 E. Kern Avenue
Tulare, CA 93724

The undersigned grantor(s) declare(s):
Documentary transfer tax is \$ None
R&T Code 11922, Conveyance to
Government Agency

Exempt from recording fees pursuant
to Gov't Code § 6103

GRANT DEED

For value received

WDB4, LLC, a California Limited Liability Company

GRANT(s) to the Charter CITY OF TULARE,
a California municipal corporation of the State of California

All that real property situate in the unincorporated area of the City of Tulare, State of California,
described as follows:

Legal Description per Exhibit A and Exhibit Plat per Exhibit A
attached hereto and made a part hereof by this reference for Right-of-Way purposes

Dated this 9th day of JULY, 2020,

GRANTOR
WDB4, LLC,
A California Limited Liability Company

Warren Blain

By:

owner

Its:

WARREN BLAIN/owner
(Print name and title)

EXHIBIT 'A'

SHEET 1 OF 2

That portion Lot 10 of Tract No. 65 according to the map thereof recorded in Volume 19 of Maps at page 92, Tulare County Records lying in the Northeast Quarter of Section 12, Township 20 South, Range 24 East, Mount Diablo Base and Meridian according to the official plat thereof, described as follows:

Commencing at the Northeast Corner of said Lot 10; thence South 0°29'19" West along the East Line of said Lot 10, a distance of 15.00 feet to the Southeast Corner of the 15.00 foot wide strip described in the Highway Easement Deed to the State of California recorded December 17, 1952 in Volume 1637 at page 432, Official Records Tulare County and being the TRUE POINT OF BEGINNING; thence continuing South 0°29'19" West along the East Line of said Lot 10, a distance of 10.45 feet; thence North 48°42'53" West, a distance of 15.68 feet to a point lying on the South Line of the aforementioned 15.00 foot wide strip; thence North 89°29'49" East parallel with and 15.00 feet south of the North Line of said Lot 10, a distance of 11.87 feet to the Point of Beginning.

Containing 62 square feet, more or less

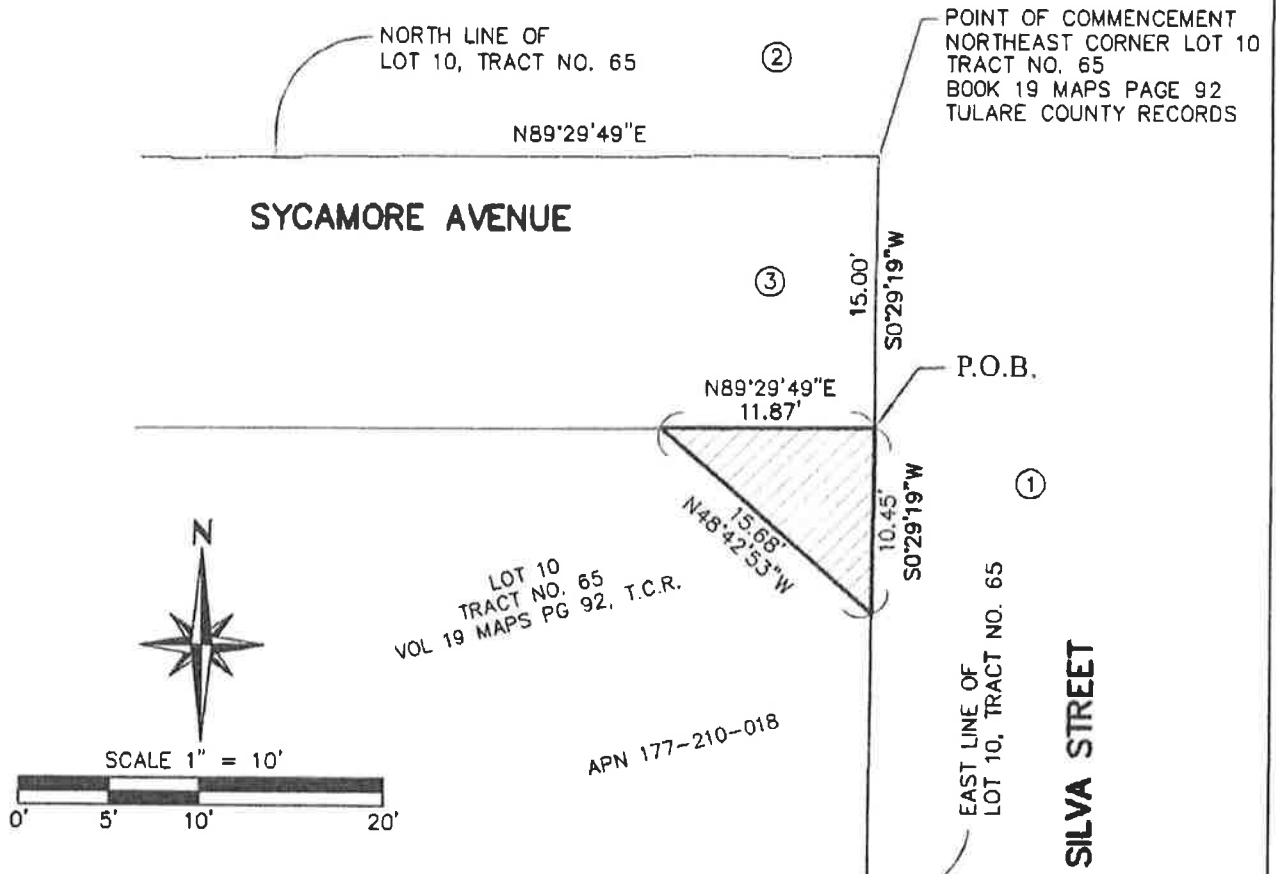


March 23, 2020
Katrina M. Olsen, LS 7058
McPheeters & Associates
1486 Tollhouse Rd, Suite 107
Clovis, CA 93611
(559) 299-9098
www.mcpheeters.com

Job No. 119137


EXHIBIT PLAT PER EXHIBIT 'A'

SHEET 2 OF 2



LEGEND

- ① 50' WDE OFFERED FOR DEDICATION PER TRACT NO. 65 IN VOL 19 MAPS PG 92, T.C.R.
- ② 20' WDE OFFERED FOR DEDICATION PER TRACT NO. 65 IN VOL 19 MAPS PG 92, T.C.R.
- ③ 15' WDE HIGHWAY EASEMENT DEED TO STATE OF CALIFORNIA RECORDED 12-17-1952 BOOK 1637, PAGE 432, O.R.T.C. AND RELIQUISHED TO COUNTY OF TULARE RECORDED 4-14-1955 BOOK 1827, PAGE 593, O.R.T.C.

 INDICATES AREA TO BE DEEDED IN FEE CONTAINING 62 SQUARE FEET MORE OR LESS.



3-25-2020

PREPARED BY:
McPHEETERS & ASSOCIATES
1486 TOLLHOUSE ROAD, #107
CLOVIS, CA 93611
(559) 299-9098

03-23-2020
119137 RW2.DWG

ACKNOWLEDGMENTS

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF Tulare)

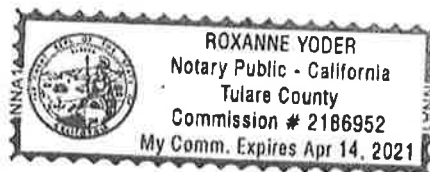
On July 9, 2020 before me, Roxanne Yoder, Notary Public, personally appeared Warren Blain, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

(seal)





Office of the City Clerk

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY, that the interest in real property conveyed by the **Grant Deed** dated July 9, 2020 , from **WDB4, a California Limited Liability Company**, was duly accepted by the City Council of the City of Tulare on **October 20, 2020**, and by the same order of the City Council of the City of Tulare, the City Manager was authorized to execute this Certificate of Acceptance to be recorded with the **Grant Deed**.

CITY OF TULARE

By: _____
Rob A. Hunt, City Manager

ATTEST:

Chief Deputy City Clerk

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: General Services

For Council Meeting of: October 20, 2020

Documents Attached: ☐ Ordinance ☐ Resolution ☒ Staff Report ☐ Other ☐ None

AGENDA ITEM:

Authorize the transfer \$75,000 from the Fire Department's Vehicle Reserve (604-273-003) to the Vehicle Replacement Fund 2021 Budget and authorize staff to circulate a Request for Bid for a full size 4-wheel drive pick-up truck for the Tulare Fire Department; (As of September 30, 2020 Fire's vehicle reserve balance is \$143,778).

IS PUBLIC HEARING REQUIRED: ☐ YES ☒ NO

BACKGROUND/EXPLANATION:

It is recommended the City Council approve a transfer of \$75,000 from the Fire Department's Vehicle Reserve Fund, 604-273-003, to the Vehicle Replacement Fund 2021 budget, which will fund the purchase of a vehicle to replace unit #146 (2007 Ford Expedition). Unit #146 was inspected by Fleet Maintenance, who has concluded that it has reached the end of its useful life/has damage not economically feasible to repair and is recommended to be removed from service. Although this replacement was not included in the Fire Department's 2021 budget approval, the Department maintains ample funds in its Vehicle Reserve budget (\$143,778) to accommodate the cost of the new vehicle, which will be less than \$75,000.

If staff is authorized to move forward, the General Services Division will follow the City's purchasing Policies and solicit bids for the purchase of the vehicle. If sufficient bids aren't received, staff will pursue acquisition of the vehicle through the National Joint Powers Alliance (NJPA), which is a national public service agency that provides for cooperative purchasing for government agencies. The new vehicle will be assigned to a Division Chief. The Division Chief's current vehicle will be re-assigned to the City's Fire Marshall.

STAFF RECOMMENDATION:

Authorize the transfer \$75,000 from the Fire Department's Vehicle Reserve (604-273-003) to the Vehicle Replacement Fund 2021 Budget and authorize staff to circulate a Request for Bid for a full size 4-wheel drive pick-up truck for the Tulare Fire Department.

CITY ATTORNEY REVIEW/COMMENTS: ☐ Yes ☒ N/A

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: ☐ Yes ☒ No ☐ N/A

FUNDING SOURCE/ACCOUNT NUMBER: Vehicle Reserve Budget #604-273-003

Submitted by: Manuel Correa

Title: General Services Manager

Date: October 8, 2020

City Manager Approval: *RH*

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: Engineering Services / Project Management

For Council Meeting of: October 20, 2020

Documents Attached: ☐ Ordinance ☐ Resolution ☐ Staff Report ☒ Other ☐ None

AGENDA ITEM:

Accept as complete the contract with MAC General Engineering of Porterville, CA for work on Project EN0061, an ADA concrete curb ramp improvement project at the intersection of Cypress Avenue and Laspina Street. Authorize the City Engineer to sign the Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office.

IS PUBLIC HEARING REQUIRED: ☐ Yes ☒ No

BACKGROUND/EXPLANATION:

Capital Improvement Project EN0061 addressed Americans with Disabilities Act (ADA) concrete curb ramp improvements at the intersection of Cypress Avenue and Laspina Street. This project addressed existing non-compliant conditions, but also provided for a new crosswalk across Laspina Street to Cypress School. Through an annual partnership project with the City School District, the City has made necessary repairs to crosswalk locations to bring them up to current standards and the School District has paid for added pedestrian safety equipment to be installed at these locations. The School District also typically provides for a crossing guard at these locations during school hours.

On July 16, 2020, the City received two formal bids to complete the work on the subject project. The City awarded a contract to MAC General Engineering of Porterville, CA in the amount of \$34,560.

The project was funded by Measure R Local funds.

A summary of contract costs is as follows:

Approved Contract Amount:	\$	34,560.00	
Bid Item Quantity Adjustments	\$	0.00	(0.00%)
Contract Change Orders:	\$	0.00	(0.00%)
Total Construction Contract Cost:	\$	34,560.00	

STAFF RECOMMENDATION:

Accept as complete the contract with MAC General Engineering of Porterville, CA for work on Project EN0061, an ADA concrete curb ramp improvement project at the intersection of Cypress Avenue and Laspina Street. Authorize the City Engineer to sign the Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office.

CITY ATTORNEY REVIEW/COMMENTS: ☐ Yes ☒ N/A

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: ☐ Yes ☒ No ☐ N/A

FUNDING SOURCE/ACCOUNT NUMBER:

EN0061-020-0004-0601

Submitted by: Nick Bartsch

Title: Senior Project Manager

Date: October 14, 2020

City Manager Approval: 

RECORDING REQUESTED BY:
CITY OF TULARE

AND WHEN RECORDED MAIL TO:

City Clerk
City of Tulare
411 East Kern Avenue
Tulare, CA 93274-4257

PURSUANT TO GOVERNMENT CODE SECTION 6103,
NO RECORDING FEE REQUIRED.

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The City of Tulare, a Municipal Corporation, whose address is 411 East Kern Avenue, Tulare, California, is the owner of the real property, public works, or structure hereinafter described.
2. The nature of the title of the stated owner is: In fee
3. On the 20th day of October, 2020, a work of improvement on real property hereinafter described was completed pursuant to a contract to which Title 15 of Part 4 of Division 3 of the Civil Code applies.
4. The name of the Contractor who performed said work of improvements pursuant to such contract with the City of Tulare is MAC General Engineering, Inc., whose address is 19703 Rd 168, Strathmore, CA 93267. The surety on said contract is Merchants Bonding Company (Mutual).
5. The real property or public works or structure is described as follows:

Curb Return Improvements at Laspina Street and Cypress Avenue, Project No. EN0061.

Dated: _____, 2020

CITY OF TULARE
A Municipal Corporation,

By: _____
Michael W. Miller, City Engineer

VERIFICATION

I am the City Engineer of the City of Tulare and am authorized to make this verification on behalf of the City. I have read the foregoing Notice of Completion, know the contents thereof, and believe it to be true and correct to the best of my knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, 2020 at Tulare, California.

By: _____
Michael W. Miller, City Engineer

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: Contract City Attorney

For Council Meeting of: October 20, 2020

Documents Attached: ☐ Ordinance ☐ Resolution ☒ Other ☐ None

AGENDA ITEM:

In connection with the June 16, 2020 approved request by Del Lago Place LLC for a time extension for completion of public improvements for the Tesori subdivision, receive a staff report regarding the completion status of public improvements for the Tesori subdivision and provide staff direction regarding the expiration of time extensions granted to the Developer to complete same.

IS PUBLIC HEARING REQUIRED: ☐ Yes ☒ No

BACKGROUND/EXPLANATION:

Tesori is a residential subdivision containing 45 residential lots, and is located between Bella Oaks and Ribolla Avenues west of Mooney Boulevard. The subdivider is Del Lago Place, LLC, a California Limited Liability Company. The existing final map and original subdivision agreement were approved by the City Council on November 5, 2013, and include a series of public improvements that the developer is required to complete. The subdivision agreement is accompanied by surety, in the form of a bond guaranteed by International Fidelity Insurance Company and Allegheny Casualty Company currently in the amount of \$1,259,556.67. The developer is required to keep this bond active until they have completed all of the public improvements required in the subdivision agreement.

Beginning in 2015, Council authorized an amended subdivision agreement and subsequently began approving what became a series of time extensions for the developer to complete the required public improvements for the Tesori subdivision. Attachments A and B to this staff report: 1) describe the public improvements that have been required since the subdivision was approved and their respective completion status, and 2) outline the numerous time extensions that Council has granted the developer over the years to complete these improvements.

In July, 2019, due to a lack of sufficient progress on completion of the improvements, Council approved a six month time extension instead of a one year extension, to more closely monitor the timeliness of construction activity. Additional time extensions were subsequently granted in December, 2019 and February, 2020, respectively. The latest time extension was granted on June, 16 2020, when Council accommodated for potential delays caused by the pandemic and agreed to reconsider the item at their October 20, 2020 meeting.

Prior to the October 20, 2020 Council meeting, staff reached out to the developer's representative as well as the developer's attorney to ascertain whether substantial progress has been made on completing the public improvements. Although a few minor items, including the repair of a fire hydrant and cleaning of the subdivision's storm drain lines, had been satisfactorily completed by the Developer, none of the major outstanding items, including construction of the required Bella Oaks Avenue connection to Mooney Blvd., frontage

improvements to Mooney Blvd., the utility relocation along Mooney Blvd., or the payment of in-lieu fees for the project's share of future construction of Ribolla Avenue to Mooney Blvd. had progressed in any meaningful fashion during the past four months.

STAFF RECOMMENDATION:

Given the multiple years' worth of time extensions that have been granted to the developer for the completion of public improvements for the Tesori subdivision, and the failure of the developer to complete the most substantial components of the public improvements within the exceptional timeframe provided, staff recommends that Council consider declaring the developer in default of its obligations and placing the surety from the bond company on notice of the default and requiring that International Fidelity Insurance Company and Allegheny Casualty Company complete all uncompleted public improvements associated with the Tesori subdivision. Staff further recommends that Council designate specific individuals or their designee to work with the bond company to ensure the timely completion of the uncompleted improvements. The specific Council actions associated with this recommendation are as follows:

1. Direct staff to prepare a Notice of Default and provide it to the developer, Del Lago Place LLC,
2. Direct staff to prepare notify the International Fidelity Insurance Company and Allegheny Casualty Company of the City's intent to recall the bond,
3. Authorize the Contract City Attorney, or designee, to serve as the City's agent during discussions/negotiations with the bonding company, and
4. Authorize the City Engineer, or designee, to serve as the determining body as to when public improvements associated with the Tesori subdivision have been completed by the bonding company or their designated representative.

Alternative

As an alternative to the staff recommendation above, Council may wish to consider granting an additional time extension to the developer to complete the public improvements in their totality. If Council wishes to take this alternative action, staff recommends that Council identify a specific date by which all public improvements should be completed.

CITY ATTORNEY REVIEW/COMMENTS: ☐ Yes ☒ N/A

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: ☐ Yes ☒ No ☐ N/A

FUNDING SOURCE/ACCOUNT NUMBER:

Submitted by: Mandy Jeffcoach

Title: Contract City Attorney

Date: 10/20/2020

City Manager Approval: 

Attachments:

Attachment A: List of Public Improvements Required as Part of Tesori Subdivision and Their Construction Status

Attachment B: Timeline of Events Related to Construction of Public Improvements at Tesori Subdivision

EXHIBIT "A"
Tesori Resubdivision
Public Improvements Completion Status

<u>Water (Public Owned/Maintained)</u>	<u>% Complete</u>	<u>Notes</u>
Diamante Drive	100%	
Mooney Boulevard	0%	Missing 2 FHs (Rubino and Zaffiro)
Muscat Avenue	100%	
Ribolla Avenue	90%	Missing FH at SW Corner of Mooney
Rubino Court	100%	
Zaffiro Court	100%	
Zaffiro Place	100%	
 <u>Sewer (Public Owned/Maintained)</u>		
Diamante Drive	100%	
Muscat Avenue	100%	
Ribolla Avenue	100%	
Rubino Court	100%	
Zaffiro Court	100%	
Zaffiro Place	100%	
 <u>Storm Drain (Public Owned/Maintained)</u>		
Mooney Boulevard	0%	
Muscat Avenue	100%	
Ribolla Avenue	100%	
 <u>Street Improvements (Public ROW)</u>		
Bella Oaks Avenue Connection	0%	
Mooney Boulevard	0%	
Muscat Avenue	100%	
 <u>Utility Relocations (Public ROW)</u>		
Mooney Boulevard	0%	
 <u>Curb & Gutter (Public ROW)</u>		
Bella Oaks Avenue Connection	0%	
Mooney Boulevard	0%	
Muscat Avenue	100%	
Ribolla Avenue	100%	
 <u>Sidewalk (Public ROW)</u>		
Bella Oaks Avenue Connection	0%	
Mooney Boulevard	0%	
Muscat Avenue	100%	
Paseo Del Lago	100%	
Ribolla Avenue	80%	Installed, but repairs needed.
Semillon Avenue	100%	

EXHIBIT "A" (cont.)
Tesori Resubdivision
Public Improvements Completion Status

Street Lights (Public ROW)

Bella Oaks Avenue	100%	
Mooney Boulevard	0%	10 street lights missing
Muscat Avenue	0%	1 street light missing
Paseo Del Lago	0%	1 street light missing
Ribolla Avenue	0%	3 street lights missing

Landscaping (Del Lago LMD)

Bella Oaks Avenue	0%	None installed.
Mooney Boulevard	0%	None installed.
Muscat Avenue	0%	None installed.
Paseo Del Lago	90%	Installed, pending final inspection.
Ribolla Avenue	90%	Installed, pending final inspection.
Semillon Avenue	90%	Installed, pending final inspection.

Attachment "B"

Tesori Resubdivision

Timeline of Events Related to Construction of Public Improvements

Date	Event
9/7/2010	Original Tesori Subdivision Approved by City Council
7/2/2013	Revised Tesori Subdivision Conditionally Approved by Council. Developer failed to submit required items within 60 day approval.
9/5/2013	City provided copy of SCE invoice to Developer for design of underground utility relocation along Mooney Boulevard.
11/5/2013	Revised Tesori Subdivision Approved by Council
11/7/2013	Tesori Subdivision Agreement Recorded
7/15/2014	Council approves Amended Subdivision Agreement for Tesori
7/15/2015	City Engineer approves 1-year extension per Amended Subdivision Agreement
11/1/2016	Council consideration of request by Greg Nunley to enter into oversize reimbursement agreement and release of additional Bella Oaks Subdivision Lots.
6/21/2016	Council approves 1-year extension to Tesori Subdivision Agreement
6/6/2017	Council approves 1-year extension to Tesori Subdivision Agreement
6/5/2018	Council approves 1-year extension to Tesori Subdivision Agreement
8/21/2018	Council approves Draft Reimbursement Agreement for Oversize Improvements (Mooney Blvd.)
9/28/2018	Draft Reimbursement Agreement for Oversize Improvements Executed
6/4/2019	Council approves 6-month extension to Tesori Subdivision Agreement
11/19/2019	Council considers extension to Tesori Subdivision Agreement. Item continued.
12/3/2019	Council approves 3-month extension to Tesori Subdivision Agreement
2/18/2020	Council approves 3-month extension to Tesori Subdivision Agreement
2/28/2020	City representatives and developer representatives meet on site to discuss status of issues
6/16/2020	Council approves extension to Tesori Subdivision Agreement until 10/30/20
10/20/2020	Council to receive report on completion status of public improvements and provide staff direction regarding expiration of time extensions granted to the Developer.